

Appl. No. : 09/380,412
Filed : January 19, 2000

SUMMARY OF INTERVIEW

Identification of Claims Discussed

No particular claims were discussed.

Identification of Prior Art Discussed

U.S. Patent Application Publication No. 2001/0046850 to Blanke, et al., published November 19, 2001.

Principal Arguments and Other Matters

Applicant presented arguments directed to the finality of the Office Action mailed April 16, 2004 as being improper in response to the Request for Continued Examination and Amendment filed by Applicant on February 3, 2004. Applicant also presented arguments in regard to the unavailability of Blanke as prior art for the present application in view of the acknowledged priority claim to a foreign application filed February 28, 1997 for the present application and the later filing date of September 22, 1998 for the published Blanke application. Applicant thus requested issuance of a new, non-final Office Action based on available prior art.

Results of Interview

Examiners Mehrpour and Appiah indicated that they did not have the file for the present application in their possession for reference. Despite the fact that this application has had six Office Actions and five replies, it was insisted that Applicant's arguments would only be considered upon formal submission in a response to the Office Action dated April 16, 2004.

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REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 12-27. Reconsideration and allowance of all Claims 12-27 in light of the present remarks is respectfully requested.

Preliminary Issues

First, the Examiner cites "Blanke et al. (US Patent Number 6,615,035 B1)" as the main basis for rejection of the claims. However, it appears that citation to the '035 patent is an error as the Blanke reference listed on the Notice of References cited and enclosed with the Office Action is U.S. Patent Publication No. 2001/0046850 to Blanke, et al., the '035 patent is not related to the Blanke reference or the claims, and further citations to Blanke in the Office Action are in the form of paragraph numbers, which align with the publication and not the '035 patent.

Second, it appears that the omission of Claim 21 in the rejection of the claims based on the combination of Blanke, Yahagi, and Bacher is an oversight as the Office Action states on page 6, fourth paragraph, that "[r]egarding Claim 21, Blake teaches that the wireless communication system wherein the identification module is a chip card configured for a predetermined standard (page 3 section 0047)."

Finality of Office Action Improper

The Examiner stated that "Applicant's amendment necessitated the new ground(s) of rejection presented in the Office Action", and that the Office Action was accordingly "made final". Applicant respectfully submits that finality of the Office Action is inappropriate in response to the Request for Continued Examination filed with Applicant's Amendment and Remarks on February 3, 2004. Thus, Applicant respectfully requests withdrawal of the finality of the outstanding Office Action if any issues remain after the removal of Blanke as a reference (see discussion below).

Discussion of Claim Rejections and U.S. Patent Publication No. 2001/0046850 to Blanke, et al

The Examiner has rejected Claim 26 "under 35 U.S.C. § 103(a) as being unpatentable over Blanke et al. (US Patent Number 6,615,035 B1) in view of Bacher et al. (US patent Number 5,617,467", and Claims 12-20, 22, 23-25, and 27 were rejected "under 35 U.S.C. § 103(a) as

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being unpatentable over Blanke et al. in view of Yahagi (US Patent Number 5,642,401) in further view of Bacher et al. (US Patent Number 5,617,467)."

The Blanke reference has a publication date of November 29, 2001 and is a publication of an application filed September 22, 1998. However, the present application has a U.S. filing date of January 19, 2000, which is prior to the publication date of Blanke, and has a priority date of February 28, 1997, which is prior to both the publication and filing date of Blanke. The priority information for the present application is correctly recited on the Official Filing Receipt, and acknowledgment of the claim for foreign priority and receipt of the certified copy of the priority document was made in the Office Action mailed August 17, 2001.

Thus, Applicant respectfully submits that Blanke is not available as prior art for the present application regardless of how the Examiner is interpreting the effective date of the reference, and that the rejection of Claims 12-27 based on Blanke are therefore improper. Applicant respectfully requests that the rejection of Claims 12-27 based on Blanke be withdrawn.

Request for Allowance

In light of these remarks, Applicant respectfully requests that the application be immediately allowed.

If there are any issues that can be resolved telephonically, the Examiner is respectfully requested to call the undersigned

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/4/04

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